

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MICROSOFT CORPORATION,)	
)	
Plaintiff,)	Case No. 1:08cv00596-GBL-JFA
)	
v.)	
)	
L&Y ELECTRONICS, INC., <i>et al.</i>,)	
)	
Defendants.)	
)	
)	

JOINT DISCOVERY PLAN

Plaintiff and counter-defendant Microsoft Corporation (“Plaintiff”) and Defendants and counterclaimants L&Y Electronics, Inc., a Virginia corporation, John A. Linton, an individual, and Sangsoon Linton, an individual, (collectively, “Defendants”), jointly file this Discovery Plan.

Procedural Background

Plaintiff filed this action on June 9, 2008 and service of the Summons and Complaint was made on the Defendants on June 10, 2008. By agreement of the parties, Defendants filed their Answer, Affirmative Defenses and Counterclaims on July 14, 2008. Plaintiff filed a Motion to Dismiss Defendants’ Counterclaims and a Motion to Strike certain of Defendants’ affirmative defenses on August 4, 2008. Defendants have filed oppositions to same. Plaintiff’s pending motions are scheduled for oral argument on September 5, 2008.

Matters Agreed to by the Parties

Counsel for Plaintiff and Defendants have discussed the nature and bases for their claims and defenses and have come to agreement on the following:

1. **Settlement.** The parties have discussed the possibilities of prompt settlement or resolution of the case and will continue to engage in settlement discussions.
2. **Initial Disclosures.** The parties have agreed that Initial Disclosures are to be served in this action on September 10, 2008.
3. **Consent to Magistrate Judge.** The parties do not consent to the assignment of this case to a Magistrate Judge.
4. **Limitations/Phased Discovery.** The parties agree that discovery need not be conducted in phases or be limited beyond the applicable rules and/or any Order of this Court.
5. **Discovery Cutoff.** All parties must complete discovery by December 12, 2008.
6. **Expert Disclosures.** The parties agree to exchange expert witness reports and information, if any, pursuant to Federal Rule of Civil Procedure 26(a)(2) as follows:
 - Expert witness designations and reports are due from the proponent on October 15, 2008; and
 - Rebuttal expert witness designations and reports (i.e., those to contradict evidence on the same subject matter previously identified by the opposing party's expert) are due on November 14, 2008.
7. **Protective Order.** The parties will confer in good faith to develop a mutually agreeable protective order in the event either party desires such an order. In the event there is a dispute over a party's request for a protective order any of the parties may file the appropriate motion with the Court pursuant to Federal Rule of Civil Procedure 26(c) should it become necessary.
8. **Electronically Stored Information.** The parties agree that all discoverable electronically stored text based information shall be produced in hard-copy (paper) form absent separate agreement by counsel for the parties regarding specific requests.

9. Inadvertent Production. The parties agree, after notification by the other party, to promptly return, sequester or destroy any documents the other party claims are privileged but were inadvertently produced. The party in receipt of said information under these circumstances shall retain the right to challenge the assertion of privilege and shall not disclose the information until the claim of privilege is resolved. The handling and resolution of claims of privilege will otherwise be resolved pursuant to Federal Rule of Civil Procedure 26(b) and/or any other applicable Rule or Order of this Court.

10. Counsel for Plaintiff and Defendants have conferred regarding all issues required by Federal Rule of Civil Procedure 26(f).

DATED: August 20, 2008

Respectfully submitted,

/s/
Jenine Elco Graves, VSB# 44877
QUINTO & WILKS, P.C.
3441 Commission Court
Lake Ridge, Virginia 22192
Phone: 703-492-9955
Fax: 703-492-9455
jgraves@quintowilks.com

Co-counsel for Defendants

/s/
John K. Roche, VSB#68594
Perkins Coie LLP
607 Fourteenth St., N.W., Suite 800
Washington, D.C. 20005-2011
202-434-1627 (phone)
202-654-9106 (fax)
jroche@perkinscoie.com

Counsel for Plaintiff